

*Government Orders*

Recently the Supreme Court decided that someone arrested for impaired driving has  $x$  amount of time to find a lawyer of choice. If one is nailed for impaired driving, one is nailed for impaired driving. The benefit of the doubt rests with the potential victim: the innocent bystander who gets hit by a drunk. We are trying to stamp out drunk driving. We are not trying to figure out what is legal.

What about ordinary Canadians when laws come down from Parliament that are written for lawyers and not for ordinary people? They should not need law degrees to figure out what is right or wrong.

The Supreme Court may review debate in the House when the time comes to review the law again because it wants to get the judgment of the people. We in the House represent the people of Canada who are upset and disgusted with a Supreme Court that comes out with decisions such as it has recently. I want the Supreme Court to be cognizant of the debate. I want the Supreme Court to hear me speaking about it in the House of Commons, saying that average Canadians have gone beyond the point of being filled with contempt for it. People are just dismissing it.

If the Supreme Court continually comes out with decisions better suited for a faculty club, with no basis of reality, obviously the laws will not connect with people. It is like a municipal police force installing a new sign which says 60 kilometres an hour when everything is designed for 100 kilometres an hour. People will ignore the law, get tickets and feel resentful.

When the Supreme Court makes decisions that do not make sense it brings discredit and disrepute not only to the Supreme Court but to Parliament as well. That includes all members who were elected to represent the people.

It is the righteousness of law, the essence of law that ordinary people instinctively understand is right, which imparts moral authority to law. If a law does not enjoy moral authority, if it does not enjoy the goodwill of the people, if ordinary people cannot look at it and say that it makes sense and they will obey it, what good is it?

In the absence of a foundation of common sense, laws will be ridiculed and with them the people who write the laws and the people who interpret the laws. That is the bottom line. We do not want to bring discredit to the whole notion of jurisprudence and the law in the way we work as citizens and in the way we relate to one another. Laws keep us civilized and we must respect them.

• (1310)

This brings to mind what we can do about it. We have a charter of rights and freedoms, which in my view would be greatly improved if it were the charter of rights, freedoms and responsibilities. We are not likely to lose the charter of rights and freedoms because people feel that it gives great protection.

Perhaps it is not all bad, but it has changed the way the country works. It has changed our relationship as legislators to the process of making and interpreting laws. As parliamentarians we have to start looking at a new way or another way of confirming people appointed to the bench.

When a person is appointed to the bench historically the procedure has been that the decision will have a host of considerations: where the person lives in the country, what language the person speaks, whether the person has standing in the community, whether the person has standing in the legal community, and whether the person has standing within the community of the political party that makes the appointment.

That might have been okay. By and large Canadians can be very secure in the knowledge that over the years we have had and do have a court that has the most profound respect of people from coast to coast. We have to be careful not to throw the baby out with the bath water.

There has been and is a continuing concern about the wisdom of decisions coming out of courts all across the land and not just the Supreme Court, decisions interpreted by some as decisions to promote or to enhance a particular lifestyle or a particular point of view. There seems to be tremendous inconsistency in the interpretation and the application of law from coast to coast and from court to court.

Perhaps it would not be a bad idea to consider after a person has been appointed to the bench, not just the federal benches but all benches, holding some sort of ratification process. I do not think it would be advisable to have members of the bench or of the Supreme Court in particular fearing for their jobs or being recalled.

I concur the positions should be until retirement because we need consistency and long range thought. We want to make changes slowly, not arbitrarily. We want to ensure that institutions of the country such as the Supreme Court do not reflect a bias that is here today and gone tomorrow. We need it to apply long range thought to decisions.

When the Prime Minister, in consultation with the Minister of Justice, makes a decision to appoint someone to the bench, it would not be a bad idea if the appointment were further ratified, not turned over or dismissed, by a committee of the House, probably the justice committee.

The terms of reference would have to be well defined. I do not think Canadians want or would put up with the confirmation hearings of our friends to the south that we see reported and that become partisan attacks. It would be an extremely important idea at the time of appointment that judges to all courts, particularly the Supreme Court, be very clearly told and understand that their job is to interpret laws and that our job is to write